

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JAMES COBBINS §
v. § CIVIL ACTION NO. 6:06cv86
LEE KEELAND, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff James Cobbins, proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Cobbins was incarcerated at the time that he filed the lawsuit. He said that he was denied copies of his medical records and says that he received “an insufficient prescription of medication.” He acknowledged in his complaint that his administrative remedies had not been exhausted at the time that he filed this lawsuit.

On April 10, 2006, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to exhaust administrative remedies. A copy of this Report was sent to Cobbins at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

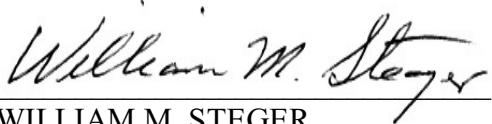
The Court has examined the Plaintiff's pleadings, the Report of the Magistrate Judge, and all documents and records in the case. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to exhaust administrative remedies, inasmuch as the lawsuit was filed while Cobbins was in confinement. *See* 42 U.S.C. 1997e. Finally, it is

ORDERED that any and all motions which may be pending in this lawsuit are hereby DENIED.

SIGNED this 18th day of May, 2006.



WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE